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PAPER NUMBER

FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. 34349-072824.0116 1278 06/15/2001 Jean-Paul Meraldi 09/883,039 21003 05/15/2003 7590 **BAKER & BOTTS EXAMINER** 30 ROCKEFELLER PLAZA FISCHER, JUSTIN R NEW YORK, NY 10112

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DATE MAILED: 05/15/2003

ART UNIT

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Application No. Ograss 3.39 MERALDI, JEAN-PAUL Examiner Justin R Fischer Art Unit Justin R Fischer Justin R Fischer Art Unit Justin R Fischer Justin R Fischer Justin R Fischer Art Unit Justin R Fischer Justin R Jus			HC	
Examiner Justin R Fischer 1733 1733 1734 1734 1734 1734 1735		Application No.	Applicant(s)	
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The MAILING DATE of this communication appears on the cover sheet with the correspondence address—Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Learnessor at one may be sevialed under the provisions of 3 CER 1.13(to). In no event, however, may a reply be sinely flied to the provision of the pr	. Office Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \$\frac{t}{2}\$ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of \$\frac{t}{2}\$ FA 1.35(a). In no event, however, may a reply be timely filled Extensions of time may be available under the provisions of \$\frac{t}{2}\$ FA 1.35(a). In no event, however, may a reply be timely filled Extensions of time may be available under the provisions of \$\frac{t}{2}\$ FA 1.35(a). In no event, however, may a reply be timely filled Extensions of time may be available under the provisions of \$\frac{t}{2}\$ FA 1.35(a). In no event, however, may a reply be timely filled Extensions of time may be available under the provisions of \$\frac{t}{2}\$ FA 1.35(a). In no event, however, may a reply be timely filled If the provision of the major structure is a specified above, the maximum statistory protect will apply which we start \$\frac{t}{2}\$ (b) MONTH'S from the mailing date of this communication. **Allow Claim term adjustment.** See \$\frac{t}{2}\$ CFR 1.704(b). **Status** 1) \subseteq Responsive to communication(s) filled on \$\frac{15}{2}\$ June 2001. 2a) \subseteq This action is in FINAL. 2b) \subseteq This action is non-final. 3) \subseteq Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under \$Ex parts Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) \subseteq Claim(s) \subseteq is fare pending in the application. 4a) Of the above claim(s) \subseteq is fare withdrawn from consideration. 5) \subseteq Claim(s) \subseteq is fare a ellowed. 6) \subseteq Claim(s) \subseteq is fare a ellowed. 6) \subseteq Claim(s) \subseteq is fare objected to. 8) \subseteq Claim(s) \subseteq is fare a ellowed. Application Papers 9) \subseteq The drawing(s) filled on \subseteq is fare application is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) \su				
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U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Application/Control Number: 09/883,039

Árt Unit: 1733

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16 and 28-38, drawn to a tire construction containing at least one "elongate composite element" formed of fibers that are impregnated in a thermoset resin, classified in class 152, subclass 451.
 - II. Claims 17-27, drawn to an "elongate composite element", classified in class 428, subclass 357.
- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination requires a fiber content of between 60 and 80% and a density less than 2.2., whereas the combination is silent with respect to both variables. The subcombination has separate utility such as a reinforcement element in additional elastomeric products, including endless belts and hoses.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Page 3

Application/Control Number: 09/883,039

Árt Unit: 1733

4. A telephone call was made to Kimberly McGraw on May 12, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(703) 605-4397**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Justin Fischer

May 12, 2003